

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

PRIME MECHANICAL SERVICE, INC.,

Plaintiff,

v.

FEDERAL SOLUTIONS GROUP, INC.,
et al.,

Defendants.

Case No. [18-cv-03307-MMC](#)

**ORDER DISMISSING FIRST CAUSE
OF ACTION**

By order filed concurrently herewith, the Court has dismissed the sole claim over which the Court has original jurisdiction, specifically, the Second Cause of Action, wherein plaintiff asserted a claim under 40 U.S.C. 3133(b) against defendant Indemnity Company of California. The remaining claim, the First Cause of Action, alleges a state law claim for breach of contract against defendant Federal Solutions Group, Inc. ("FSG"), a claim as to which the Court's jurisdiction is supplemental in nature. See 28 U.S.C. § 1367(a).

Where, as here, the district court has "dismiss[ed] all claims over which it has original jurisdiction," such court may decline to exercise supplemental jurisdiction over the remaining state law claims. See 28 U.S.C. § 1367(c)(3). In this instance, as the case has not progressed past the pleading stage, FSG has not appeared, and there are no apparent considerations weighing in favor of retaining jurisdiction over the state law claim, the Court finds it appropriate to decline to exercise supplemental jurisdiction over the First Cause of Action. See Carnegie-Mellon Univ. v. Cohill, 484 U.S. 343, 350 (1988) (holding "when the federal-law claims have dropped out of the lawsuit in its early stages and only state-law claims remain," federal courts ordinarily "should decline the exercise of


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jurisdiction by dismissing the case without prejudice”).

Accordingly, the First Cause of Action is hereby DISMISSED without prejudice to plaintiff’s refiling said claim in state court.

IT IS SO ORDERED.

Dated: November 28, 2018


MAXINE M. CHESNEY
United States District Judge